

REMARKS

This response follows numerous attempts to contact the Examiner, her Supervisor and the Group Receptionist to try to understand better the basis for the rejection set out in the action of October 11. Unfortunately, this has not been possible and this response is being filed without the benefit of any discussion.

Claims 1 has been amended to make clear that the direction in which the cover sheet is pulled away from the base sheet is that which occurs when peeling the cover sheet away rather than pivoting the cover sheet of the base sheet. Support for this amendment is found at page 3 line 5 of the specification. Additionally unnecessary reference numerals have been deleted from Claims 8 and 12.

The claims have been amended to meet the issues raised under 35 USC 112 except with respect to Claim 17. Claim 17 depends from Claim 2 which in turn depends from Claim 1. Reference is made to an attachment point in Claim 1. Claim 2 incorporates all of the limitations of Claim 1 (35 USC 112 paragraph 4). There is therefore proper antecedent basis for reference to an attachment point in Claim 17.

Turning now to the rejection under 35 USC 102, as noted previously, the applicant's attorney has tried several times to discuss this with the examiner since it was not clear what feature of Eisele the Examiner regarded as being the attachment point. Unfortunately such clarification has not been received and this response is therefore being filed to avoid the applicant having to pay further extension fees and to avoid any risk of patent term reduction under the Patent Term Guarantee Act.

There is a fundamental difference between the present invention and that of Eisele. In the present invention, the cover sheet of the strip is removed from the base sheet by peeling the cover sheet back from the base sheet away from the point of attachment which holds the base sheet in position while the cover sheet is pulled back and the inhalation device is designed so that the attachment point and the guides provide for removal of the cover sheet in this way. In Eisele, the entire cover sheet is pivoted away from the base sheet and the inhaler device designed accordingly.

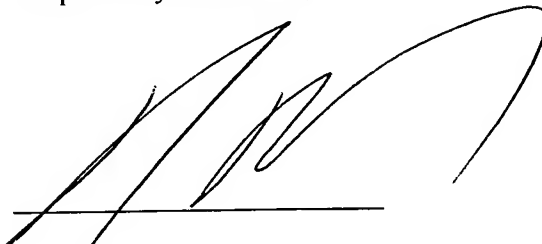
None of the devices described in Eisele comprises a blister strip support system as claimed in the present application wherein the surface includes guides to accommodate the blister of the strip and an attachment point cooperates with an attachment formation on the strip to hold the base of the strip in place while the cover sheet is peeled away.

In Eisele, exposure of the powder takes place by tearing one of the two sheets of the medicament pack. In the present invention, on the other hand, exposure of the powder takes place by peeling away the cover sheet from the base sheet which means that there is no tearing of any of the sheets of the strip. This is an important functional feature of the present invention and differs from Eisele and other art which requires tearing or piercing one of the sheets on a powder-containing strip..

Furthermore, in the present invention the powder is located in a single dose blister strip whereas in Eisele the powder is situated in the cavities of a multidose storage system, requiring an additional carrier plate or disc which is not involved in the present invention.

In view of the foregoing, it is submitted that this application is in order for allowance and an early action to this end is respectfully solicited..

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JR', is written over a horizontal line.

JOHN RICHARDS
c/o LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO. 31, 053 (212-708-1915)